

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EYERATE, INC.,

Plaintiff,

v.

PONCA CITY DISPENSARY, INC., an
Oklahoma Corporation (dba Chronic CO;
Ponca City Dispensary; Vice Medical
Cannabis[aka “Vice Stillwater”]; and Vice
Dispensary[aka “Midwest Medical
Cannabis”]); KYLERLUNDGRIN, an
individual; and DOE Defendants 1 through
20, inclusive,

Defendants.

No. 2:23-cv-01051 AC

ORDER TO SHOW CAUSE


Plaintiff filed a complaint on June 6, 2023. ECF No. 1. That same day, a scheduling order was issued in this case ordering the plaintiff to serve a copy of the scheduling order and to complete service of process within 90 days of filing the complaint. ECF No. 4 at 2. Plaintiff was cautioned that failure to complete service within 90 days may result in dismissal pursuant to Fed. R. Civ. P. 40(m). Id. On September 11, 2023, the court granted plaintiff’s ex parte request for an extension of time to serve defendants, allowing plaintiff until October 30, 2023. ECF No. 6. The deadline has passed, and no certificate of service has been filed.

Local Rule 110 provides that failure to comply with court orders or the Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.”

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff is Ordered to Show Cause, in writing, within 14 days of this order, why this action should not be dismissed for failure to prosecute;
2. Plaintiff's filing of a proof of service upon defendant will be deemed good cause shown; and
3. If plaintiff fails to comply with this order, the undersigned will recommend that this case be dismissed without prejudice for failure to prosecute.

DATED: November 6, 2023


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE